

REMARKS

Favorable reconsideration of this application, in light of the preceding amendments and following remarks, is respectfully requested.

Claims 1-19 are currently pending in this application, of which claims 1 and 17 are independent and the rest dependent. Claims 1 and 17 are currently amended.

SUMMARY OF EXAMINER INTERVIEW

Initially, Applicant wishes to thank Examiner Vaughan for his time at the interview of June 3, 2010, the contents of which are summarized below.

The interview was conducted over telephone between Examiner Vaughan and the Applicant's Representative. Proposed claim amendments distinguishing the claimed invention from the teachings of the prior art of record were discussed during the course of the interview. The present Amendment is based on the claims discussed during the interview.

ENTRY OF AMENDMENT AFTER FINAL REJECTION

Entry of the Amendment is requested under 37 C.F.R. § 1.116 because the Amendment: a) places the application in condition for allowance for the reasons discussed herein; b) does not present any additional claims without canceling the corresponding number of final rejected claims; and/or c) places the application in better form for an appeal, if an appeal is necessary.

DOUBLE PATENTING REJECTION

Claims 1-6, 8-11, 13, and 16-18 are *provisionally* rejected on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claims 21-26, 29, 32-33, and 36-40 of copending Application No. 10/577,158.

Applicants acknowledge this *provisional* rejection, and will take the appropriate steps to address this rejection once the claims in this application and the claims in pending Application 10/577,158 are indicated as including allowable subject matter since this *provisional* rejection is based on claims that may change.

REJECTIONS UNDER 35 U.S.C. § 103

• **Minemura in view of Zilliacus**

Claims 1-11 and 13-20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2003/0114144 ("Minemura") in view of U.S. Patent 6,832,230 ("Zilliacus").

In the preceding section, claim 1 is amended to incorporate the subject matter of dependent claim 20. Applicants traverse the rejection of claims 1 and 20 together for the reasons given below.

Applicants respectfully submit that Minemura and Zilliacus, alone or in combination, fail to disclose or fairly suggest "[] a cryptogram [] including a digest of the application, the identification data, instructions intended for the security module and at least one of an identifier of the application and an identifier of SIM resources," as recited in independent claim 1.

For example, the Examiner admits on page 5 of the Office Action that Minemura fails to teach or fairly suggest "the identification data including at least an identifier of the equipment and an identifier of the security module," as

recited in claim 1. However, the Examiner alleges that column 7, lines 15-25 of Zilliacus teach “the identification data” as required by claim 1.

Applicants respectfully disagree and submit that, although Zilliacus teaches supplying user’s identity information to the downloading service, the user identification information in Zilliacus is *not* contained in a “cryptogram.” Also, the user identification information in Zilliacus is transferred to the downloading service (service provider). However, claim 1 requires “transmitting [] the cryptogram by the control server [] to the security module.”

The Examiner further alleges on page 5 of the Office Action that IMEI and SIM information is stored in the ‘Tamper Resistant module’ (TRM) of the authentication module 101 of Minemura, and therefore, it would have been obvious to send the SIM and IMEI information to the “security module” of claim 1 as well. However, Minemura does not teach or suggest any such feature. The TRM section 103 of Minemura hold information for processing the application authentication. However, this information does not include any of the IMEI or SIM information.

It is alleged in Office Action at Page 9, with respect to the rejection of claim 20, that paragraph [0141] of Minemura teaches a cryptogram including “an identifier of the application.” Particularly, the Examiner alleges that the recitation “an identifier of the application” of claim 20 reads upon the signature disclosed in paragraph [0141] and illustrated in FIG. 15 of Minemura.

However, the signature disclosed in Minemura is either used to authenticate the application data 1501 or to authenticate the application-useable resource information 1503, and this signature is *not* contained in any cryptogram.

Further, the Examiner admits that Minemura fails to teach a cryptogram including “an identifier of SIM resources.” However, the Examiner alleges that the recitation “an identifier of SIM resources” reads upon SIM and IMEI information disclosed in Zilliacus.

Applicants respectfully submit that Zilliacus fails to teach or fairly suggest “an identifier of SIM resources” since the SIM and IMEI information identify the user’s identity in Zilliacus and do not identify any SIM resources

For at least all the above reasons, Applicants submit that Minemura and Zilliacus, alone or in combination, fail to disclose or even suggest a “cryptogram” as recited in independent claim 1 and the somewhat similar limitations of claim 17.

Claims 2-11, 13-16 and 18-19, dependent on one of independent claims 1 and 17, are patentable for the reasons stated above with respect to claims 1 and 17 as well as for their own merits.

Applicants, therefore, respectfully request that the rejection to claims 1-11, 13-19 under 35 U.S.C. § 103 be withdrawn.

- Minemura and Zilliacus in view of Haverinen

Claim 12 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Minemura and Zilliacus as applied to claim 11, and in further view of US 2002/0012433 (“Haverinen”). Applicants respectfully traverse this rejection for the reasons detailed below.

Applicants respectfully assert that claim 12 is dependent upon claim 1 and claim 1 has been shown patentable at least for the reasons set forth above. Also, Haverinen fails to overcome the noted deficiencies of Minemura and Zilliacus. Therefore, the alleged combination of Minemura, Zilliacus and

Haverinen (if combinable, which is not admitted) fails to render the limitations of claim 12 obvious to one of ordinary skills in the art.

For this reason, Applicants respectfully request that the rejections under 35 U.S.C. §103(a) of claim 12 be withdrawn.

CONCLUSION

In view of the above remarks and amendments, the Applicants respectfully submit that each of the pending rejections have been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested.

Pursuant to 37 C.F.R. §1.17 and 1.136(a), Applicants hereby petition for a one (1) month extension of time for filing a reply to the outstanding Office Action and submit the required \$130.00 extension fee herewith.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Donald J. Daley at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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By


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